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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,075	04/24/2001	Jun Hoshii	206556US2	2179
22850 7590 10/17/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HUNTSINGER, PETER K	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 10/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 09/840,075	Applicant(s) HOSHII ET AL.	
	Examiner Peter K. Huntsinger	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 23 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 23 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 12, 23, and 34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 12, 23, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka '463, and further in view of Sekine '710, Athitsos, and Leak '986

Referring to claims 1, 12, and 23, Tanaka '463 discloses a computer-readable medium whereon an image data interpolation program has been recorded to implement pixel interpolation to image data of an image represented in multi-tone dot matrix pixels on a computer, said computer-readable medium with the image data interpolation program recorded thereon, after being set ready for use on a computer, making the computer perform:

a function of image data acquisition that acquires said image data; a first interpolation processing function that interpolates pixels to said image data without decreasing the degree of tone value difference between the existing pixels (nearest neighbor interpolation, col. 1, lines 20-27);

a second interpolation processing function that interpolates pixels to said image data without affecting the gradation of the tones of the image (linear interpolation, col. 1, lines 28-42); and

a function of determining if the image is a non-natural image or a natural image, or that it cannot be determined whether the image is either a natural image nor a non-natural image (col. 9, lines 7-16), said determination that the image is a non-natural image resulting in said first interpolation processing function, said determination that the image is a natural image resulting in said second interpolation processing function (col. 13, lines 38-58), and if the image data cannot be determined to be either said natural image or said non-natural image, both the first and second interpolation processing functions are performed and results from the first and second interpolation processing functions are blended (col. 16, lines 38-42).

Tanaka '463 discloses nearest neighbor interpolation but does not disclose expressly pattern matching interpolation.

Sekine '710 disclose a first interpolation processing function executing pattern matching interpolation according to a predetermined rule, when a given pattern exists in reference pixels (col. 5, lines 43-47).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement pattern matching interpolation. The motivation for doing so would have been to improve speed or image sharpness over other interpolation processes.

Tanaka '463 does not disclose expressly determining whether an image is a natural or a non-natural image based on brightness.

Athitsos teaches a function of histogram acquisition that acquires a histogram of a number of discrete color values of at least each of reference pixels; and determining if the image is a non-natural image or a natural image based on the number of discrete color values appearing in the histogram of discrete color values (pages 11-12, the number of distinct colors that appear, graphics tend to have fewer colors than photographs).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to determine if an image is a natural or non-natural image based on the number of distinct colors. The motivation for doing so would have been to utilize a computer to accurately determine image types.

Athitsos does not disclose expressly acquiring a number of discrete luminance values by combining color component brightness.

Leak '986 teaches acquiring luminance values by linearly combining color component brightness values (col. 1-2, lines 58-67, 1-18, equal intensities or values of red, green, and blue used to represent corresponding luminance value).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to convert RGB values into luminance values. The motivation for doing so would have been to decrease the storage space required for said information. Therefore, it would have been obvious to combine Sekine '710, Athitsos, and Leak '986 with Tanaka '463 to obtain the invention as specified in claims 1, 12, and 23.

Referring to claim 34, Sekine '710 disclose wherein said pattern matching interpolation refers to pixels determined based on the given pattern (col. 5, lines 43-47).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH



AUNG S. MOE
SUPERVISORY PATENT EXAMINER

10/12/07